IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 28359 of 1995

Between:

Singam Pochavva,

w/o late Lakshmaiah, r/o Chakkipet,

Bodhan, Nizamabad Dist. **..... PETITIONER**

AND

1.The Mandal Revenue Officer,
Bodhan, Nizamabad Dist.
2.The District Collector,
Nizamabad. DIST.
3.Smt. Singam Narsamma,

w/o Bodu Sailu, r/o Thattikala Galli,

Bodhan Town, Nizamabad Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction declaring the proceedings of the 1st respondent in File No. A5/3999/95 dt. 29.11.1995 as null and void, illegal, without jurisdiction, and contrary to the provisions of A.P. Record of Rights in Land Act, arbitrary, unreasonable, violative of the fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India and the Constitutional Right guaranteed under Art. 300-A of the Constitution of India and issue a consequential direction to the respondents herein not to give effect to the same.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORDER:

Heard learned Counsel for the parties.

The dispute as a matter of fact is between two ladies, both claiming to be wives of one late Lakshmaiah. The authorities below mutated the land in the name of one of the ladies, who is alleged to be the second wife of Lakshmaiah. Whereas in appeal, the Mandal Revenue Officer came to the conclusion that both the ladies were legally wedded wives of Lakshmaiah and therefore, he ordered that both ladies were eligible for half of the share of the property of late Lakshmaiah.

It is well settled that the revenue authorities or the mutations in the revenue records do not confer title over the property. The Mandal Revenue Officer, for the purpose of making mutations and issuing pass books, held an enquiry and came to the conclusion that both the ladies are wives of late Lakshmaiah. If any of the party is aggrieved of such an order, she always has a remedy of approaching the Civil Court and getting the matter settled.

In this view of the matter, I do not find merit in the writ petition. If the petitioner is aggrieved of the order, she can get her rights settled in a Civil Court. Since the matter has been pending in this Court for almost ten years, therefore, I allow the petitioner to approach the Civil Court, if she so chooses, within a period of two months from today. For a period of two months from today, the parties shall maintain *status quo.*

With the observation as above, the writ petition is disposed of. No costs.

9th September, 2004

Note:

Issue CC in one week.

B/o

LUR

Copy to:

1.The Mandal Revenue Officer,
Bodhan, Nizamabad Dist.
2.The District Collector,
Nizamabad. Dist.
3.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

4. Two CD copies.